

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MONROE ONE STOP, LLC and
D & M DEVELOPERS, LLC,

Plaintiffs,

Case No. 09-CV-10501

v.

Honorable John Corbett O'Meara

GOLD HOUSE CENTURY 21, NATIONAL FINANCIAL GROUP,
HIGH BANK AND PARTNERS, TLD CORPORATION,
ACAPS TRUST, ACAPS JOINT VENTURE, LCC,
RAJ SHERGILL, MORRIS GOLDMAN,
LARRY MARSELLA, and ART SHELTON,

Defendants.

ORDER OF PARTIAL DISMISSAL

Plaintiffs Monroe One Stop, LLC, and D & M Developers, LLC, filed a four-count complaint against Defendants alleging the following causes of action: Counts I and II, violations of the Racketeer Influenced and Corrupt Organizations Act of 1970, 18 U.S.C. § 1961; Count III, breach of contract; and Count IV, fraudulent misrepresentation.

While claims alleging violations of federal law are cognizable in this court pursuant to 28 U.S.C. § 1331, the remaining allegations in the complaint present claims based on state law. The parties to this matter are not diverse. Therefore, this court declines to exercise pendent jurisdiction over the state claims. See United Mine Workers v. Gibbs, 383 U.S. 715 (1966); 28 U.S.C. § 1367 (c). Accordingly, it is hereby **ORDERED** that Counts III and IV are **DISMISSED**.

s/John Corbett O'Meara

United States District Judge

Date: April 24, 2009

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, April 24, 2009, by electronic and/or ordinary mail.

s/William Barkholz
Case Manager